

SECOND REGULAR SESSION

SENATE BILL NO. 627

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3090S.021

AN ACT

To repeal sections 210.115 and 210.165, RSMo, and to enact in lieu thereof two new sections relating to persons required to report abuse and neglect, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 210.115 and 210.165, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 210.115 and 210.165, to
3 read as follows:

210.115. 1. When any physician, medical examiner, coroner, dentist,
2 chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic
3 personnel that are engaged in the examination, care, treatment or research of
4 persons, and any other health practitioner, psychologist, mental health
5 professional, social worker, day care center worker or other child-care worker,
6 juvenile officer, probation or parole officer, jail or detention center personnel,
7 teacher, principal or other school official, minister as provided by section 352.400,
8 RSMo, peace officer or law enforcement official, or [other person with
9 responsibility for the care of children] **any other person** has reasonable cause
10 to suspect that a child has been or may be subjected to abuse or neglect or
11 observes a child being subjected to conditions or circumstances which would
12 reasonably result in abuse or neglect, that person shall immediately report or
13 cause a report to be made to the division in accordance with the provisions of
14 sections 210.109 to 210.183. As used in this section, the term "abuse" is not
15 limited to abuse inflicted by a person responsible for the child's care, custody and
16 control as specified in section 210.110, but shall also include abuse inflicted by
17 any other person.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 2. Whenever such person is required to report pursuant to sections
19 210.109 to 210.183 in an official capacity as a staff member of a medical
20 institution, school facility, or other agency, whether public or private, the person
21 in charge or a designated agent shall be notified immediately. The person in
22 charge or a designated agent shall then become responsible for immediately
23 making or causing such report to be made to the division. Nothing in this
24 section, however, is meant to preclude any person from reporting abuse or
25 neglect.

26 3. Notwithstanding any other provision of sections 210.109 to 210.183, any
27 child who does not receive specified medical treatment by reason of the legitimate
28 practice of the religious belief of the child's parents, guardian, or others legally
29 responsible for the child, for that reason alone, shall not be found to be an abused
30 or neglected child, and such parents, guardian or other persons legally
31 responsible for the child shall not be entered into the central registry. However,
32 the division may accept reports concerning such a child and may subsequently
33 investigate or conduct a family assessment as a result of that report. Such an
34 exception shall not limit the administrative or judicial authority of the state to
35 ensure that medical services are provided to the child when the child's health
36 requires it.

37 4. [In addition to those persons and officials required to report actual or
38 suspected abuse or neglect, any other person may report in accordance with
39 sections 210.109 to 210.183 if such person has reasonable cause to suspect that
40 a child has been or may be subjected to abuse or neglect or observes a child being
41 subjected to conditions or circumstances which would reasonably result in abuse
42 or neglect.

43 5.] Any person or official required to report pursuant to this section,
44 including employees of the division, who has probable cause to suspect that a
45 child who is or may be under the age of eighteen, who is eligible to receive a
46 certificate of live birth, has died shall report that fact to the appropriate medical
47 examiner or coroner. If, upon review of the circumstances and medical
48 information, the medical examiner or coroner determines that the child died of
49 natural causes while under medical care for an established natural disease, the
50 coroner, medical examiner or physician shall notify the division of the child's
51 death and that the child's attending physician shall be signing the death
52 certificate. In all other cases, the medical examiner or coroner shall accept the
53 report for investigation, shall immediately notify the division of the child's death

54 as required in section 58.452, RSMo, and shall report the findings to the child
55 fatality review panel established pursuant to section 210.192.

56 [6.] 5. Any person or individual required to report may also report the
57 suspicion of abuse or neglect to any law enforcement agency or juvenile
58 office. Such report shall not, however, take the place of reporting or causing a
59 report to be made to the division.

60 [7.] 6. If an individual required to report suspected instances of abuse or
61 neglect pursuant to this section has reason to believe that the victim of such
62 abuse or neglect is a resident of another state or was injured as a result of an act
63 which occurred in another state, the person required to report such abuse or
64 neglect may, in lieu of reporting to the Missouri division of family services, make
65 such a report to the child protection agency of the other state with the authority
66 to receive such reports pursuant to the laws of such other state. If such agency
67 accepts the report, no report is required to be made, but may be made, to the
68 Missouri division of family services.

210.165. 1. Any person violating any provision of sections 210.110 to
2 210.165 is guilty of a class A misdemeanor, **except if a person fails to report**
3 **child abuse or neglect under section 210.115 and the child at issue**
4 **subsequently dies as a result of said abuse or neglect, such person**
5 **required to report shall be guilty of a class D felony.**

6 2. Any person who intentionally files a false report of child abuse or
7 neglect shall be guilty of a class A misdemeanor.

8 3. Every person who has been previously convicted of making a false
9 report to the division of family services and who is subsequently convicted of
10 making a false report under subsection 2 of this section is guilty of a class D
11 felony and shall be punished as provided by law.

12 4. Evidence of prior convictions of false reporting shall be heard by the
13 court, out of the hearing of the jury, prior to the submission of the case to the
14 jury, and the court shall determine the existence of the prior convictions.

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